

<sup>5</sup> Doc. [1](#).

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substantial evidence and recommending that this Court vacate the Commissioner's denial of disability benefits and remand the case back to the ALJ for further proceedings.<sup>6</sup>

Specifically, Magistrate Judge Greenberg found that the ALJ failed to set forth "good reasons" for discounting the opinion of Boughter's treating physician in favor of opinions from non-treating physicians.<sup>7</sup> On December 27, 2016, the Social Security Commissioner filed notice that the Social Security Commissioner would not object to Magistrate Judge Greenberg's report and recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.<sup>8</sup> The Commissioner of Social Security declined to file any objections in this case.<sup>9</sup>

Absent objection, a district court may adopt the magistrate judge's report without review.<sup>10</sup> Moreover, having conducted its own review of the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Greenberg.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Greenberg's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **VACATES** the Commissioner's denial of benefits and **REMANDS** this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: January 10, 2017

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>6</sup> Doc. [16](#).

<sup>7</sup> *Id.* at 33-41.

<sup>8</sup> 28 U.S.C. § 636(b)(1)(C).

<sup>9</sup> Doc. [17](#).

<sup>10</sup> *Thomas v. Arn*, 474 U.S. 140, 149 (1985).